

OBSERVATIONS
ON CERTAIN PASSAGES IN AN ARTICLE
IN THE
QUARTERLY REVIEW
FOR OCTOBER, 1844,
ENTITLED
Report of the Metropolitan Commissioners in Lunacy,
PP. 436—441.

1844



REFUTATION

OF

THE ASSERTIONS

MADE BY THE WRITER OF

THE ARTICLE IN THE QUARTERLY REVIEW

FOR OCTOBER, 1844,

ENTITLED

Report of the Metropolitan Commissioners in Lunacy,

PP. 436—441,

As far as they relate to the Conduct and Practice of the

WARNEFORD ASYLUM,

ON HEADINGTON HILL, NEAR OXFORD,

AND ALSO

AN APPEAL TO PARLIAMENT

ON BEHALF OF THE NON-CHARGEABLE POOR

WHEN VISITED BY LUNACY,

AND FOR THE ENCOURAGEMENT OF CHARITABLE ASYLUMS FOR THEIR
RECEPTION, RELIEF, AND CURE.

BEING THE SUBSTANCE OF

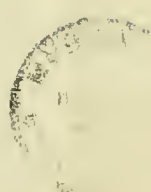
THE CHAIRMAN'S OBSERVATIONS

AT THE WEEKLY MEETING OF

THE COMMITTEE OF MANAGEMENT,

TUESDAY, NOV. 12, TUESDAY, NOV. 19, AND TUESDAY, NOV. 26, 1844.

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Committee Room of the Warneford Asylum,

WEEKLY MEETING,

TUESDAY, Nov. 12, 1844.

Present,

REV. VAUGHAN THOMAS, *Chairman.*

REV. DR. BARNES, *Canon of Ch. Ch.*

WILLIAM THORP, ESQ. *Mayor of Oxford.*

DR. JAMES ADEY OGLE, M.D. *Professor of Clinical
Medicine, Oxford.*

CHARLES TAWNEY, ESQ., *Oxford.*

REV. T. LEIGH COOKE, *of Beckley.*

REV. JOHN CALCOTT, *Lincoln College.*

THE Weekly Accounts were examined and allowed: and after matters of ordinary Business had been dispatched, the Chairman called the attention of the Meeting to an Article in the Quarterly Review, (published, October 1844, by Mr. John Murray, Albemarle Street.) The Article was entitled, “*Report of the Metropolitan Commissioners in Lunacy to the Lord Chancellor.*”

The Chairman read the objectionable passages. They were as follow:—

1. At page 436: “In 1827, a Committee of the House of Commons was again appointed upon the earnest intercession of Mr. Robert Gordon, Lord Robert Seymour, Lord Granville Somerset, to inquire into the state of Pauper Lunatics. Mr. Gordon on the 19th of Feb. 1828, brought such a Statement before the House respecting Bethnal Green, that he and Lord Ashley, after much oppo-

sition from the Lunatic Asylums at Exeter and Oxford, were enabled to carry 9 G. IV. ch. 41. *to regulate the care and treatment of Insane Persons in England and Wales.*"

2. At p. 441 : " The Medical, and other Officers of the Asylums of Exeter, Oxford, Northampton, Lincoln, York, and others of the same class which receive large numbers of Patients, who pay very highly for their care, are allowed by Law to confine persons without any Certificate of Insanity, or any written Order. These Asylums are also exempted from Visitation. Both exemptions are we believe entirely attributable to the Medical Officer and others connected with the Asylums of Oxford and Exeter. Upon the renewal of Mr. Gordon's Bill in 1832, the persons connected with these two Institutions opposed it, and procured the omission of the clause which previously subjected them to the general law as to admission. A Pauper cannot be sent to a County Asylum, without previous Certificates of his Insanity; and yet Ladies and Gentlemen, paying highly for their Board, may be shut up in these Asylums without any Proof of Insanity, and without any written authority whatever. It is understood to be the opinion of the Medical Officers of nearly all the other public Asylums except those of Exeter and Oxford, that they should be subject to the same laws that govern other Asylums, save only that their Visitors should not be Medical men living in their immediate vicinity."

The Chairman observed, that these, he believed, were the only passages in the Article which were levelled against the good name and unimpeached and unimpeachable conduct of the Warneford Asylum, in respect of the admission of Patients, Visitation, and the course pursued by the Asylum in its application to Parliament in 1828, when it bore the name of the Oxford Lunatic Asylum; and he thought it due to the Public, to the Governors and Subscribers, to the Medical Officers, to themselves, (as the Committee of Management,) and especially to their most munificent Patron, the Rev. Dr. Samuel Wilson Warneford, (who, besides his other noble benefactions, had recently endowed this Institution with a Real Estate and a transferred Mortgage yielding £1400 per annum, in aid of poor Patients of respectability,) to prove by the statement of facts, that every one of the allegations of the Reviewer, both in respect of the admission of Patients without Medical Certificates, and the Order of Confinement, and also in respect of the course pursued by the Governors to procure an exemption from them, is absolutely false,—historically false, as relating to the Petition presented to Parliament; and practically false, in respect of the existing Rules of the Asylum, and its invariable requisitions on the Admission of Patients.

It is a well-known truth, that though falsehoods be short, the refutation of them, particularly if they be dexterously fabricated, must be rather long.

The Chairman said, it was his intention to leave no part of these statements unrefuted; but that as in the course of his observations he might feel himself under the necessity of expressing himself strongly upon the matters of these groundless imputations, he thought it right to preface what he should have to say by acquitting the Reviewer of the offence of writing these things in a libellous and malignant spirit. They were untruths, but he was willing to hope that they were not moral falsehoods; that they were falsehoods of the head, rather than of the heart; of a hasty, half-informed writer, and not of one who sat down deliberately to try to tarnish the bright name and reputation which the Asylum had maintained from its first opening in 1826, and in spite of the efforts of its assailants to darken and discolour that brightness. The claims of candour having been thus satisfied, the Chairman said, he felt so strong in his proofs, that he was bound in justice to their house of charity and to its ministries of love, and its largely-gratuitous dispensations of pecuniary aid to the insane of genteel and respectable life, (for the parish poor were left to the pecuniary provisions of the law, and to County-support,) to use no qualified words of contradiction, but to declare that the Reviewer's Statements are positively false, as far as they relate to what he is pleased to call the Oxford Asylum, but which afterwards bore the name of the *Radcliffe Asylum*, from the patronage of the Radcliffe Trustees, until that

name was, with their full consent, exchanged for the honoured name of *Warneford*, by reason of Dr. Warneford's devotion to the cause of charity in this mode of its operation, and his vast munificence for the help of the afflicted of professional and commercial, educated and respectable, life, when under straitened circumstances.—The other charitable Institution, which has been also assailed, is well able to defend itself.—It is to the Warneford Asylum alone that these observations are confined, and so far forth as they relate to that, the Chairman assured the Meeting, that the Statements of the Reviewer were false in every way that falsehood could be predicated of allegations. With respect to the Parliamentary Petition, the allegations were false,—as to the time when it was made, and presented;—false as to the House of Parliament to which it was presented;—false as to the number of co-petitioners;—false as to the cause and occasion of the Petition;—false as to the end and object of the Petitioners;—false as to the result of the Petition;—false as to the words and matter of it;—false as to the individuals from Oxford who urged and signed it;—false as to any Petition of any sort having been presented against the renewal of the Act in 1832;—and lastly and specifically, false as to the charge that the clause, *requiring the two Certificates, and the Order of Confinement*, was omitted in favour of charitable Institutions mainly by reason of the opposition from Oxford and Exeter.

To deal with one falsehood effectually often requires

a long exposition of facts; what then ought to be feared as to lengthiness, when ten are to be exposed and refuted? For the sake of brevity, (the Chairman said,) he thought that it would be best to cite the false allegations of the Reviewer *seriatim*, and for the most part in the order they occur in the Review.

1. *Mr. Gordon on the 19th of February, 1828, brought such a statement before the House, respecting Bethnal Green; that he and Lord Ashley, after much opposition from the Lunatic Asylums at Exeter and Oxford, were enabled to carry the Act of the 9th George IV. c. 41. to regulate the cure and treatment of insane persons in England and Wales.*

The Reviewer, wishing the Public to suppose that the opposition to this measure was confined to a few, has thought proper to single out the Asylums of Oxford and Exeter, as those to which it was mainly to be attributed. It is true that in a subsequent passage he admits "Northampton, Lincoln, York, and others," into the confederacy of opponents, but he takes care to suppress the names of the two great Metropolitan Societies of Guy's Hospital and St. Luke's. The most powerful and prominent opposition proceeded from the Governors of those ancient and honourable Institutions, directed as it was by the able, upright, and influential Treasurer of the former, and by the long experience and practical knowledge of the Secretary of the latter. The fact is, that all the charitable Associations of England, occupied upon the relief of these afflictions, took the alarm when

they came to discover that Mr. Gordon intended to make Charity do its work, in these departments of want and woe, under the threat of pains and penalties; and that in return for their alms-money, contributors were to purchase for themselves a great number and variety of liabilities to be charged with misdemeanour, and the contingency of being brought before the Quarter Sessions by informers bribed by Mr. Gordon's Bill to be witnesses as well as informers. (see p. 13.) The free and independent labourers in this wide field of affliction, though they had voluntarily and largely dedicated their money, time, and solicitude, to the relief of their fellow-creatures under the desolations of insanity, resolved to oppose a measure, which for the first time in the annals of legislation was intended to subject the disinterested labours and voluntary establishments of benevolent individuals to unworthy suspicions, penal enactments, and statutory severities.

Neither were these the only considerations which operated upon the movement of the charitable Institutions; many of them were formed, and their subscriptions entered into, and their lands purchased, and their edifices erected, under the encouragement and protection of the Legislature. Without entering into the cases of other Asylums, the Asylum at Headington hill, near Oxford, was erected, its whole economy created and settled, under Mr. Wynne's Act, 48 G. III. ch. 96. A. D. 1808, an Act passed, 1. for urging counties to erect Asylums for pauper

patients, out of county rates; 2. to promote and encourage the voluntary plan of erecting Asylums by charitable contributions; 3. to enable Magistrates to unite their *county-rate* Asylums with the *free-gift* Asylums of the voluntary contributors, but under such terms and conditions as to secure to the voluntary contributors a perfect freedom of choice and an absolute immunity from all control and interference on the part of the County Magistrates, if the parties should not agree upon the subject of an union. (See §. 22.)

Under these powers and provisions, overtures were made again and again to the County Magistrates of Oxfordshire, in 1813, to coalesce with the voluntary subscribers, but they declined these offers; urging (so far with truth) the discrepancy between the views and purposes of the respective parties; the Magistrates stating, that they were concerned in providing for none but pauper lunatics; on the other hand, the voluntary subscribers (most of whom had nothing to do with the County, as such, being the University and City of Oxford, many Heads of Colleges, many of the Colleges themselves, many Noblemen, Gentlemen, Clergymen of other Counties, and especially the Rev. Dr. Wilson Warneford, Rector of Bourton on the Hill, who first and last gave between £7000 and £8000 towards the building and premises of the Asylum,) urged with equal resolution the necessities of the poor, who were not paupers, and insisted upon the great Christian duty of providing charitably for

those who had no legal claims for county or parochial relief; that is, for the creditable and respectable poor, those who though overburthened were not chargeable; those who, though scarcely able to maintain themselves, when their families were in full health, were still thrown upon their own scanty resources, without any help from without, should any member of those families be visited by the heavily-expensive affliction of Insanity.

The Oxford Lunatic Asylum, its Governors and numerous Subscribers, not only complained of the death-blow that Mr. Gordon's Bill levelled against the principles, energies, and vitality of Christian charity, by placing charitable Associations upon the same footing as the owners of money-making licensed houses of reception, but they farther complained, that Mr. Gordon should attempt, by an *ex-post-facto* law, to take away from them that freedom of action and those immunities which had been secured to them not only by the old Act, 14 G. III. ch. 49. §. 30. but especially by Mr. Wynne's Act, 48 G. III. ch. 96. §. 22. and by which they had been encouraged voluntarily to raise and lay out £23,000 upon their land and buildings, without a farthing of aid from the County of Oxford; and (in consequence of the peculiar purposes of the Subscribers) with very scanty help from the Gentlemen of the County, (£813 8s 0*d* being the whole of their contributions;) the Petitioners therefore complained not only that the encouragement of Parliament was withdrawn,

under which they had undertaken and completed their Asylum at so great an outlay of the free gifts of the Benevolent, but that measures of severity should be substituted for the present system of Parliamentary patronage and protection; that penal clauses should take place of provisos of exemption; and that instead of praises and commendations, the Asylum (without any charge or enquiry) should be exposed to informations and indictments, by making informers competent witnesses, and by indemnifying the guilty against the consequences of their own misdeeds, provided they became accusers, and by giving them a share in the penalties, which upon the success of their evidence might be awarded.

It was against these miserable and mischievous attempts to coerce charity, and convert Mr. Wynne's Act, (which was an Act of grace and favour, and encouragement to charitable undertakings,) into an act of wrong, violence, and menace, that the Oxford Lunatic Asylum, (with its honoured associate in the Reviewer's abuse,) the Exeter Asylum, together with Guy's Hospital, (for the Trustees of that Hospital had most compassionately built a Wing for Lunatics,) and St. Luke's, Manchester, York, Northampton, Lincoln, and some others, joined in their complaints and remonstrances, adapting their Petitions to the peculiar circumstances existing in each case.

With respect to the special matters objected by the Reviewer, the Petitioners from Oxford, so far from objecting against the two Medical Certificates,

and Order of Confinement, that they thought them most safe and wholesome provisions, and actually incorporated into their own Rules, all the requirements of the Act in these particulars, and have made it their constant practice to insist upon the delivery of such Order and Certificates ever since the passing of that Act in 1828, to the present time.

The Chairman reminded the Meeting, that though he felt bound by his sense of the unreasonableness and injustice of such statements, to call them falsehoods, he meant no more than to signify that they were false as allegations, false as facts; if the terms should be deemed too strong, let them be called simply untruths, errors, blunders, or by any other form of speech, which courtesy may resort to for the concealment of intellectual or moral deformity.

Upon the renewal of Mr. Gordon's Bill in 1832, the persons connected with these two Institutions opposed it, and procured the omission of the Clause, which previously subjected them to the General Law as to admission.

Of this passage it may be said, that there are as many falsehoods as clauses. 1. The persons connected with these two Institutions (the Oxford and Exeter Asylums) did not oppose the renewal of the Act in 1832. 2. They did not procure the omission of the clause in question. 3. The clause in question, (9 G. IV. ch. 41. §. 51. 1828.) so far from being objected to, was highly approved of.

From the 15th of July, 1828, the date of the Act which required charitable Institutions to observe these requirements of the law, the Oxford Asylum has never failed to enforce the observance of them ; and when, to the astonishment of the Committee of Management, the necessity of procuring such Certificates and Order was withdrawn from the clause of exemption in 1832, (compare §. 51. of the Act of 1828, with §. 64. of the Act of 1832,) the following remonstrance against the withdrawal of it was sent to an Honourable Member of the House of Commons, who had watched the Bill on the behalf of the Oxford Asylum, and who had sent a copy of it to the Chairman of the Committee of Management, with a request to be favoured with any suggestions he might make upon it.

Copy of a letter from Sir Robert Harry Inglis, Bart. M.P. to the Rev. Vaughan Thomas, dated Feb. 7, 1832.

London, 7 Feb. 1832.

My dear Sir,

Mr. Gordon told me in reference to his notice of intention to bring in a Bill to amend the Laws relating to Lunatics, which notice stood for Friday last, that he proposed to leave, in statu quo, the Institutions of Charity. I did not accordingly say any thing publicly on the subject. Yesterday, before the Bill was printed, it was read a second time. Be so good as to look at Clauses 50, 51, and compare them with Clause 64, (in the copy which will accompany this Letter,) and let me have your opinion.

Believe me, My dear Sir,

Your obliged and faithful Servant,

ROBERT H. INGLIS.

Rev. Vaughan Thomas.

To which Letter the Chairman returned the following Answer.

Oxford, Feb. 10, 1832.

Dear Sir,

I perceive that the clause of exemption in favour
* of charitable Asylums in the revived and altered Lunatic Act, p. 24, materially differs from the clause of exemption which those houses obtained on their behalf in 1828, upon Petition to the House of Lords; see old Act, §. 51. I perceive that we are now to be exempted from the operation of this new Act in respect of Certificates of Admission. Whether this exemption be intended, or whether it be an error in the print, I do not know; but surely it would not be right to exempt even houses of charity from the necessity of attending to the provisions of this new Act in respect of Certificates, both upon the admission of superior and inferior Patients; that is to say, both in respect of Patients, whose rank in life makes it fit to have two Medical Certificates, and those other Patients in humble life, whose insanity is sufficiently certificated by one Medical man. Speaking as one of the Asylum Committee, I think it would be desirable to continue, subject to the obligation of attending to the matter of the two Certificates, both in respect of superior and inferior Patients.

Let the sentence stand as it did before. The fact is, we have our printed Forms of admission upon Certificates, all drawn out according to the last Act; one set of double Certificates for superior Patients, and one set of single Certificates for inferior Patients.

It cost us so much trouble to obtain that clause of exemption, as it now stands, by means of our Petition to the House of Lords, that I look with a very jealous eye

upon any changes, alterations, or substitutions in that clause.

I am, Dear Sir,

Your obedient faithful Servant,

VAUGHAN THOMAS.

The Chairman informed the Meeting, that he had been assured, that the Physician of the Exeter Lunatic Asylum, without any knowledge of the opinions of the Oxford Asylum, or of what he as Chairman had written to his correspondent in Parliament, had addressed a similar letter to Mr. Gordon himself, representing to him the impropriety of altering the clause of exemption, 9 G. IV. §. 51, 1828, by leaving out the obligation to observe the Statute as to Certificates. Upon this evidence then the Chairman again asserted, that there was not a single particle of truth in the Reviewer's statement; but this declaration, said he, was not enough to satisfy the claims of outraged justice. It must be added, that the counter-statement is the true one; that instead of opposing the continuance of what had been enacted in 1828, in respect of the observance of the Law as to Certificates, both the Oxford and Exeter Asylums, the first by its Chairman, the last by its Physician, strongly remonstrated in 1832 against the omission of the necessity which had been most properly imposed in 1828, and that these remonstrances were sent up, in the first case, to a distinguished Member of the House of Commons, and in the last case to Mr. Gordon himself.

A Pauper cannot be sent to a County Asylum without previous Certificates of his Insanity; and yet Ladies and Gentlemen paying highly for their Board may be shut up in these Asylums without any proof of Insanity, and without any written authority whatever.

This is written with a distinct reference to the two Institutions at Oxford and Exeter. Its general falsehood has been sufficiently shewn already, but there are certain particulars involved in the general declaration which call for special refutation. The pathetic contrast which the Reviewer has so eloquently drawn between the tenderness of the law upon the confinement of a *Pauper*, and the recklessness shewn by the Oxford and Exeter Asylums upon the admission of *Ladies and Gentlemen paying highly for their Board*, will lose all its pathos, by exposing its untruth—but it cannot be helped—Justice must be attended to before fine writing and affecting appeals, and Rhetoric must give place to fact and reality. It is a falsehood to say that a *Pauper cannot be sent to a County Asylum without previous Certificates of his Insanity*, one only being required by the Law. Whether such *Pauper* be sent to a County Asylum or a licensed House of Reception at so much a week, the Law is still the same—no more than one Certificate is necessary. One limb therefore of this beautiful Antithesis has been already cut off. But truth, inexorable truth, demands the amputation of the other. The other part of the contrast must be annulled. *Ladies*

and Gentlemen paying highly for their Board may be shut up in these Asylums (at Oxford and Exeter) without any proof of Insanity, and without any written authority whatever. As to Ladies and Gentlemen being shut up in the Oxford Asylum, something has been already said in the way of disproof—to this part of the subject one word more will be added. At p. 47, of the Rules of the Asylum, there is this general Heading: *Clauses from the Act which though they be obligatory only upon the practice of Licensed Houses, have been spontaneously adopted as Rules of this Institution.* Then follow the 27th and 28th Sections of the General Act, 2 and 3 Gul. IV. ch. 107. containing *verbatim* all the statutory provisions respecting the Medical Certificates and the Order of Confinement. And the Chairman took occasion to invite the Reviewer to the Committee Room of the Warneford Asylum, on Headington Hill, and to satisfy himself by the inspection of its Register of Certificates and Orders of Confinement, that from 1828 there has not been a single instance of the admission of any Patient, however high or humble, without two Medical Certificates, and in cases where the Act would have been satisfied by the production of one Certificate.

But before this eloquent falsehood and most pathetic fabrication are reduced to absolute nothingness, a word must be said about “*Ladies and Gentlemen paying highly for their Board*” at the Oxford Asylum. Out of forty-six Patients at present in

the Asylum, no more than two are under such circumstances of life as not to require more or less of pecuniary aid from the charitable Income of the House, all the other Patients receiving assistance from the Charity by being reduced more or less in their Weekly payments, according to their wants. There certainly was a time in the history of the Asylum, when it may be said to have depended mainly for its support upon what Mr. Wynne's Act called *the excess of payments made by the superior Patients for the reduction of the payments made by the inferior*. - But that was when our faithful Friend, and honoured Patron, and most munificent Benefactor, had not as yet extended his Bounty beyond the completion of the Edifice in its attached and detached offices, its fittings up and furniture, and walls of inclosure ; but when the Fund, which the Governors have been pleased to denominate *Thomas's Fund, in aid of poor Patients from respectable and educated life*, was established in July, 1828, (which now amounts to nearly £5000,)—and when for the same purpose in 1838 Dr. Warneford gave to the Institution a Mortgage of £4000 which he held upon an Estate in Gloucestershire,—and when in farther proof of his compassion towards the non-chargeable, and non-parochial poor, under these afflictions, he dedicated a large Estate in Sussex to the same pious purpose of relieving them—and lastly, when in prospect or possession this charitable Association has been enabled to calculate upon a purely eleemosynary

income of above £1500 per annum,—such reductions have been effected in the rates of Patients' payments for the relief not merely of the Patients themselves, but of the poor but respectable families which must support them, that instead of *paying highly for their board*, Ladies and Gentlemen are paying no more than three-fourths, two-thirds, or one-half of their cost to the House.

But the Reviewer may reply, that these are mere assertions, and no more worthy of credit than his own. Proofs then shall be given, to shew that the principles and practice of the Asylum are purely charitable; that there is a total absence of all worldly profits, but a very large amount of debts and deficits, and such as the world would call large and positive losses, but which bear a more encouraging name on the Great Leger Book of Heaven, as being there entered as gains, and profits, and lendings to the Lord.

The first proof is taken from the Proceedings of 1840, on our Appeal against the Poors-Rates levied upon the Asylum by Headington Parish, on the ground of a beneficial occupancy being vested in the Trustees. Upon that trial, it was proved, that during the 12 years antecedent to 1840, our average excess of Expenditure above Patients' payments was £416 5s 3½d per annum; but since that time, the Charity has been enabled greatly to extend and enlarge those pecuniary aids, by reason of Dr. Warneford's surpassing munificence.

The next proof is from our Petition to Parliament upon that occasion, against the Law as it now stands, relating to beneficial occupancy. In that Petition it was shewn, that part-payments (however small in themselves, and however great the loss which their smallness brings upon the funds of a charitable Institution) were by the Law in its present state made to bear the name of profits, and to create a beneficial occupancy, and to impose a liability to be rated. It was farther set forth in that Petition, that in the case of the Warneford Asylum, instead of profits made, deficits to the amount of above £400 had annually grown out of the greatness of its charitable Expenditure, and the smallness of pecuniary Returns from the payments of the Patients themselves.

The third Proof is from our printed Circular, entitled "Useful information," wherein the fundamental principles of the Asylum are fully developed, at p. 6.

"The great principle or purpose of all these charitable exertions is that of providing for the care and cure of Lunatics, who not having any title to parochial relief by reason of their station, situation, or condition in society, are in the greatest need of eleemosynary aid.

"From this representation it will be perceived, that the Founders and Promoters of this Charity contemplated the relief of the poor Lunatics of the upper and middling classes, whose circumstances, though

such as placed them above (it may be very far above) parochial chargeability, were still too straitened to bear the expense of making any sort of suitable provision for the cure, or even care, of Parents, Children, Relatives, should they become afflicted by mental disease. The range of charity so marked out for the operations of this Asylum extends over those wide and various fields of affliction which lie just above the level of pauperism, and from that level upwards and onwards through all those scenes and stages of destitution, which are presented to the eye of pity by the families of poor Tradesmen and Farmers, poor Clerks and Agents in different branches of business, poor Artists and Literary men, poor Professional men of the Army and Navy, Law or Physic, poor Clergymen and Gentlemen; in short, wherever poverty is to be found coupled with respectability of station, and made oppressive by the burthensome and expensive afflictions of insanity, there this Asylum seeks subjects and occasions for the dispensation of its medical, moral, and pecuniary aids. And Patients, on the recommendation of a Governor to the Committee of Management, may obtain from the Funds in aid of Poor Patients from Educated and Respectable life, such assistance as their case may require, and the state of those Funds afford."

Thus then, the fine writing of the Reviewer has been shewn to be as defective in its way as his misstatements. Two Certificates are not necessary

for the admission of a Pauper into any Asylum—Ladies and Gentlemen cannot be admitted into the Warneford Asylum without two Certificates—and as to *paying highly for their Board*, the whole statement should be reversed;—large payments are made by the Charity for the pecuniary relief of Ladies and Gentlemen, and not by Ladies and Gentlemen for the support of the Charity.

P. 441. It is understood to be the opinion of the Medical Officers of nearly all the other Asylums except those of Exeter and Oxford, that they should be subject to the same Laws that govern other Asylums, save only that their Visitors should not be Medical men living in their immediate vicinity.

As to the opinions of the Medical Officers of nearly all the other Asylums, and as to the Reviewer's understanding in respect thereof, they are matters of such extreme lubricity, that it will be difficult to lay hold of and handle them; but one thing is clear, that the Reviewer writes in utter ignorance of the Statute as it relates to *Medical Visitation*—“*their Visitors* (he says) *should not be Medical men living in their immediate vicinity.*” Upon this subject of regular Medical Visitation, (and the Reviewer is speaking of that alone, and not of conjoint Visitation, Medical and Magisterial,) the Law (2 and 3 Geo. IV. ch. 107. §. 33.) is to this effect, that “in every house containing 100 Patients, there shall be a resident Physician, Surgeon,

or Apothecary, and every house containing less than 100 shall be visited twice in every week by a Physician, Surgeon, or Apothecary.”—Supposing then that the Warneford Asylum were, as the Reviewer wishes it, *to be subject to the same Laws that govern other Asylums*, it would not by Law be subject to any such Medical Visitations as those which the Reviewer would impose upon it.

1. Because there is an experienced and benevolent Director, Dr. Wintle, Licentiate of the College of Physicians, (who is also of the College of Surgeons, and Company of Apothecaries,) resident in the house, which has also the inestimable advantage of Mrs. Wintle’s domestic care. 2. Because it is superintended by the weekly visits of the learned, experienced, and humane Dr. Ogle, Professor of Clinical Medicine in the University of Oxford, and Senior Physician of the Radcliffe Infirmary. And, 3. Because instead of having 100 Patients, which the Law makes the criterion of what is and is not required as to these medical Visitations, it never yet has had 50 Patients at one time. And perhaps this will be a fit opportunity of telling the Reviewer, who at p. 421. makes a very pointed allusion to Physicians’ fees, that the payment of a fee is a thing unknown in the Warneford Institution.

Committee Room of the Warneford Asylum,

WEEKLY MEETING,

TUESDAY, Nov. 19, 1844.

Present,

REV. VAUGHAN THOMAS, *Chairman.*

REV. DR. BARNES, *Canon of Ch. Ch.*

WILLIAM THORP, ESQ. *Mayor of Oxford.*

DR. JAMES ADEY OGLE, M.D. *Professor of Clinical
Medicine, Oxford.*

CHARLES TAWNEY, ESQ., *Oxford.*

REV. T. LEIGH COOKE, *of Beckley.*

REV. JOHN CALCOTT, *Lincoln College.*

THE Weekly Accounts were examined and allowed: and other matters of Business having been dispatched, the Chairman continued his observations on the calumnious blunders of the Reviewer respecting the Warneford Asylum. He observed, that having shewn what were not the matters deprecated by the Oxford Petition, it was fit to turn from the negative to the positive side of the account, and shew what really were the objects of its Prayer.

Some of them have been already set forth ; but it will be best to let the Petition speak for itself, though it be rather long.

The humble Petition of the Governors of, and Subscribers to, the Oxford Lunatic Asylum, to the Lords Spiritual and Temporal in this present Parliament assembled,

SHEWETH,

“ THAT your Lordships’ Petitioners are Members of a Charitable Institution for the reception, relief, and cure of Insane Persons ; that they have contributed to the erection of an Asylum on Headington Hill, near Oxford, or are now contributing as annual Subscribers to its support, or are engaged as Members of the House Committee in its management ; and that under one or more of these relations, your Lordships’ Petitioners are deeply interested and concerned in a Bill which is now before your Lordships’ House of Parliament, entitled, “ A Bill to regulate the care and treatment of the Insane,” the obvious tendency of which is to disgust and deter the benevolent, and to divert their munificence from these afflictions.

“ Your Lordships’ Petitioners have seen, with a lively sense of the injustice, and with a clear conviction of the impolicy, of such a design, that it is now proposed (and for the first time in the annals of Charitable Institutions) to subject the voluntary establishments and disinterested labours of the benevolent to penal enactments and statutory severities ; and to make charity do its work under the threat of information and indictment, and the fear of pains and penalties.

“ But the measure which has been proposed to your Lordships does not only offer violence to the feelings and

principles of Christian charity; it also violates some of the most established maxims of British law. The Bill before your Lordships' House encourages false and malicious accusation, by making an informer (and who as such is entitled to part of the penalty) a competent witness. It holds out the strongest temptation to wilful and corrupt perjury, by indemnifying a guilty person against the consequences of his offence, provided he turn accuser. And besides these violations of the principles of English justice, the Bill, if it pass into a law, will create more indictable offences, and more penal liabilities, than any one special Act of Legislation in modern times.

“ But that which above all other considerations makes your Lordships' Petitioners most severely feel these threatened enactments is the fact, that up to the present time they have been carrying on their voluntary labours under the praise, protection, and encouragement of Parliament; every new statute, and every re-enactment of an old one, from the first Act for the general regulation of Madhouses in 1774, might be cited in evidence of this wise and benevolent policy of the Legislature; they were all Acts of grace and favour towards public Hospitals and voluntary Institutions for the Insane; and they produced their desired effect: the charitable and humane being protected on the one hand from the penalties, and invited on the other by the encouragements, of the Law, were seen fearlessly to enter upon a path of charity which had been so carefully cleared of all impediments, and so vigilantly guarded against all dangers; and very large sums of money were subscribed, and many appropriate edifices erected, and numerous societies and systems of government were formed and appointed, for the care and cure of the Insane, upon a principle of benevolence, and under a full confidence in these declarations of Parliament.

“ But it is proposed in the Bill before your Lordships’ House, not merely to put an end to, but to reverse, that course of legislative policy which has produced these salutary effects, and which has so successfully promoted the operations of charity in this department of human affliction. It is proposed, not merely to cease to give encouragement to such charitable undertakings, establishments, and associations, but to discourage and prevent them, by substituting measures of severity for the present system of patronage and protection, penal clauses for provisos of exemption, informations and indictments for praises and commendations.

“ Your Lordships’ Petitioners with the utmost deference beg leave to observe, that it might have been expected, before such a departure in the ancient policy and practice of Parliament had been proposed to your Lordships’ House, that some express and special enquiries would have been instituted into the number, constitution, and government, of these Charitable Societies, to the intent that Parliament might thereby come to know the amount of voluntary contributions bestowed, and the suitableness of the provisions made, for the protection and comfort, relief and cure, of the Insane; to the intent that it might be ascertained by such enquiry whether any and what injury might be done, or might fairly be expected to be done, to the cause of charity and these voluntary exertions by the proposed changes and substitution. With no less regret than surprise your Lordships’ Petitioners have observed, that no such enquiries have preceded the measures submitted to your Lordships’ House; and that Parliament continues up to this time ignorant of the extent to which voluntary munificence has operated, and of the provisions which private benevolence has made. It knows nothing of their rules and principles, nor of their systems of management, superintend-

ence, and visitation, nor of their domestic provisions for securing the objects which the Bill seeks to accomplish by the threats and terrors of the Law.

“ Another provision in the Bill before your Lordships’ House appears to your Petitioners highly objectionable.

“ Under the influence of the common feelings of our nature, it has been hitherto deemed a duty to throw a veil over these morbid affections of the mind, and to endeavour by silence and reserve to prevent publicity being given to their existence in families and individuals. By the proposed registration of lunatics, every delicacy of this sort is to be rudely violated; Clerks of the Peace and Clerks to Commissioners are to record these visitations; time is not to be permitted to efface the memory of domestic afflictions; they are to be handed down, by official entries, to posterity; and although the erasure of names be permitted to those who have individual keepers, upon application to the Secretary of State, in the single case of their recovery, those families who cannot afford to pay for individual keepers, will have ineffectually to lament this outrage upon their feelings, this recorded evidence of their misfortunes.

“ Such are some of the objections against the proposed measure, which your Lordships’ Petitioners beg leave respectfully to represent, humbly praying your Lordships, that Charitable and Benevolent Societies, for the reception, relief, and cure of the Insane, may be preserved and protected in the enjoyment of their present immunities and independence, and that the wise and benevolent policy of Parliament, which has so largely contributed to the establishment of these houses and systems and societies of charity, may not be superseded by measures indicative of suspicion and distrust, and which, if they become laws, will

impose penal liabilities upon the benevolent, instead of giving facilities and shewing favour and affording protection to their labours.

And your Petitioners will ever pray.

Oxford, April 16, 1828.

Here follow the signatures of 72 Individuals, in which number were the Dean and Canons of Ch. Ch., the Mayor and Aldermen of Oxford, some of the Heads of Colleges, the Physicians of Oxford and other Medical Gentlemen, Fellows of Colleges and resident Inhabitants of the City ; in short, all the Friends and Patrons of the Institution at that time in Oxford.

The Chairman having read the Petition to the Board, observed, that he now thought it his duty to lay before the Meeting the results of that Petition as exhibited in the Minutes of evidence taken before the Lords, 7th, 9th, 12th, and 14th of May, 1828 ; and the amendments afterwards introduced into Mr. Gordon's Bill by the Lords.

We prayed against being subjected to a new penal code, and the disgrace of being dealt with, like Keepers of private Madhouses, and threatened with indictments under ten or twelve heads of misdemeanour, see pp. 7, 8, 9, 10, 11. of the print of Mr. Gordon's Bill, March 17, 1828.

Neither can it be matter of surprise or censure, that a large independent body of alms-givers for the

relief of these afflictions should take offence at their being thus made subject to indictment for half a score of misdemeanours on the accusations of well-paid Informers, when all the respectable proprietors of licensed houses considered it an insult and grievous slur upon their characters to be treated in this way. One of them, Dr. Fox, the experienced and worthy owner of the Brislington Establishment near Bristol, gave it as his opinion, (p. 23. of the Evidence before the Lords,) that such threats of punishment, and such a list of misdemeanours, would *discourage men of reputation, character, and property, from undertaking such Establishments. I think, (says he,) no person of character or of education would submit to act under this Bill.* Others bore witness to the same effect. (See pp. 54, 79.)

We earnestly prayed against the same person being allowed to be at the same time Informer, Witness, and Participator of the Penalty; (see Bill, p. 13.) It was there proposed to be enacted, (and would have been enacted but for the amendment of the Lords,) “That the informer in any of the cases aforesaid (that is, the ten or twelve cases of misdemeanor set forth in the preceding clauses) shall be, and shall be deemed and taken to be, a good and competent witness in law, notwithstanding he shall be entitled to a part of the said penalty.” Well might an eminent Physician declare, (when examined by the Committee of the House of Lords, appointed to take evidence upon Mr. Gordon’s Bill

in May 1828,) that “with respect to the clause *respecting informers being competent witnesses*, it appeared to him very objectionable, for that it would be arming servants against their masters;” see p. 304. Against this, the Oxford Petitioners directed their indignation in the following words: “The Bill before your Lordship’s House encourages false and malicious accusation, by making an informer, and who is to be entitled to part of the penalty, a competent witness; and it holds out the strongest temptation to wilful and corrupt Perjury, by indemnifying a guilty person against the consequences of his own offence, provided he turn accuser.”

We entertained strong objections against that most injudicious and mischievous clause at p. 11. of Mr. Gordon’s Bill, “that if any Patient shall require the spiritual assistance of any Clergyman of the Established Church, or any Minister or spiritual Teacher of any other religious persuasion, and such assistance be withheld, or the access of any such Clergyman, Minister, or spiritual Teacher be refused,” the Justices are ordered to take cognizance of such refusal, or withholding.

The Lords saw in this enactment abundantly enough to determine them to call the most eminent Physicians in this line of practice before their Committee; Dr. Monro, Dr. Heberden, Dr. Latham, Dr. Young, Dr. Bright, Dr. Burrows, Dr. Finch, Dr. Fox, to whom may be added Sir Henry Hallford, one and all of whom condemned this most incon-

siderate clause. One of them says, (p. 42, Minutes of Evidence before the Lords,) "In the cases of Patients whose malady proceeds from religious enthusiasm,for a Dissenting preacher to come and visit any of those persons under those circumstances would of course be prejudicial, it would interfere with the cure of the malady." Another, p. 53, "I think if there is any office in the world that requires the utmost discretion, it is the office for administering religious consolation to Lunatics, because they are so easily excited and so easily depressed." Another, p. 63, "It often happens that when people are very far from well, a person of that kind coming in to talk upon religious subjects might be productive of a great deal of harm." Another, p. 102, "The clause with respect to spiritual advisers appears to me pregnant with considerable mischief, and involving not a little absurdity." The same at p. 104, "I should think there must be nearly one fourth of the persons confined in Asylums for the insane, who are mad upon religious matters."

We also wished to see the Bill corrected and amended in other particulars, especially as to visitations of Asylums by night as well as by day; see Bill, p. 6. The Lords directed the attention of the Physicians called before them to the fitness and propriety of such an enactment, and one and all bore witness against visitations by night.

Sir H. Halford (p. 27. Evidence before the Lords) "considered nightly visitations objectionable

in a medical point of view." Another Physician at p. 48, " I think it to be a primary object of a medical man, to secure the rest of his Patients." Another, p. 78, " Visiting Lunatic Patients by night would have a very injurious effect upon those Patients if so visited, and upon the whole Establishment, that would know of and be disturbed by such nightly visitations."

Another prayer in our Petition to the Lords was, that publicity might not be given to these afflictions, which would be sure to take place if the Bill from the Commons were passed. And what said Dr. Fox upon this point in his evidence? p. 9. He is asked " if a journal were kept, in which the names of Patients were registered, and which should be open to every Visitor and Commissioner, would the friends of Patients object?" His answer is, " I do think the friends would object:" (and he goes on to say,) " my own private opinion is, that the clause ought to be objected to, as far as regards the Clerks of the Peace." To the same effect Mr. Rickets, p. 13. " There is a degree of secrecy and confidence between the Medical person to whom Patients are confided, and their friends, and that they would wish that secrecy should be observed.... The Patients themselves, on leaving, wish of course that all idea of their insanity should be obliterated and forgotten." Dr. Bright, p. 122. " I think it would be very easy to come furnished with a set of enquiries: by means of which, a great quantity of

information with respect to families, (which it would be by no means proper to communicate to the Public,) might be spread abroad."

Thus then, by these extracts from the evidence before the Lords, it appears, that in all the special matters of their Petition, as well as others not expressly set forth, though objected to, the Petitioners from Oxford were supported by the Medical witnesses examined upon that occasion.

In deprecating the creation of so many misdemeanours with their accompaniments of pains and penalties, in protesting against the plan of tempting servants to turn accusers by the lure of pecuniary reward, in pointing out the cruelty of exposing these domestic calamities to the danger of publicity, in their anticipations of mischief to the Patients themselves from night-visitations, in foreseeing the pernicious effects of the admittance of all sorts of Teachers and Preachers, the Oxford Petitioners were not only supported by the evidence of the Physicians examined, but by the alterations and amendments introduced by the Lords in consequence of their testimony, into the whole spirit as well as body of Mr. Gordon's Bill.

After these representations of what the Oxford Petitioners prayed against, of what was given in evidence, and of what was corrected and amended by the House of Lords, the Reviewer himself will see the necessity of some important amendments being introduced into the clause of his

Article, cited at page 1. which ought to stand thus: "Mr. Gordon, on the 19th of February, 1828, brought such a Statement before the House of Commons as to lead it to conclude, that what was true as to the treatment of Paupers confined in the White and Red Houses at Bethnal Green, must be also true as to the treatment of Ladies and Gentlemen in the Oxford Asylum; that what had been found to be very wrong at Hoxton, could not be very right at Headington Hill." Taken by surprise, and confounded by the novelty rather than convinced by the cogency of such conclusions, the House proceeded to wage war against all the Charitable Associations of the kingdom, which were occupied upon the care and cure of these maladies, and without stopping to enquire into the amount of their pecuniary dispensations, nor the extent of their services in the cause of humanity, proceeded to place them all at the mercy of bribed Informers, to answer indictments at the Quarter Sessions under ten or twelve heads of misdemeanour. Whereupon all the free and independent Contributors to these Houses of Charity and works of mercy, including the Governors and Subscribers of the Exeter and Oxford Asylums, resolved to resist the passing of a Law which militated so boldly against the Law of Charity, and after much opposition, succeeded by their Petitions to induce the House of Lords to take evidence upon the matters objected to, and ultimately obtained

the correction and amendment of them. Mr. Gordon was at last enabled through the better wisdom of the House of Lords, and by reason of the judicious alterations they made in his Bill, to carry 9 G. IV. ch. 41. “*to regulate the care and treatment of Insane Persons in England and Wales.*”

In each and all the clauses of the Bill opposed by the Oxford and the other charitable Associations of the kingdom, the Reviewer will be able to discover enough, and more than enough, to justify the opposition he complains of. There will be found such monstrous violations of common sense, common feeling, and common law, that they may be said to have cried aloud for the corrective power of the House of Lords to save the Statute Book from the disgrace of such a Record, and those who were intended to be governed by it, from the greater disgrace of being subjected to treatment so unworthy, un-English, and un-Christian. But the Reviewer will be pleased to observe, that not a syllable is to be found in the Oxford Petition which will warrant his imputation that the Petitioners objected to Medical Certificates, and the Order of Confinement.

Committee Room of the Warneford Asylum,

WEEKLY MEETING,

TUESDAY, Nov. 26, 1844.

Present,

REV. VAUGHAN THOMAS, *Chairman.*

REV. DR. BARNES, *Canon of Ch. Ch.*

WILLIAM THORP, ESQ. *Mayor of Oxford.*

DR. JAMES ADEY OGLE, M.D. *Professor of Clinical
Medicine, Oxford.*

CHARLES TAWNEY, ESQ. *Oxford.*

REV. T. LEIGH COOKE, *of Beckley.*

REV. JOHN CALCOTT, *Lincoln College.*

THE Weekly Accounts were examined and allowed: and other business having been transacted, the Chairman read a Letter he had been favoured with from the distinguished Physician, who from the first opening of their Institution in 1826, had dedicated his time, erudition, and benevolence, to the purposes of this Charity.

*To the Chairman of the Board of Management, Warneford
Asylum, near Oxford.*

Oxford, Nov. 5, 1844.

My dear Sir,

THE writer of an Article in the last Number of the Quarterly Review, headed, "Treatment of Lunatics," states, that at certain Asylums, (among which that at Oxford is named,) persons may be shut up without any Certificate of Insanity or any other written Order whatever; and further, that such exemption from the operation of the Act, 2 and 3 Gul. IV. ch. 107. §. 63. as it affects other Institutions in this particular, is, in the belief of the Reviewer, entirely attributable to the Medical Officers and others connected with the two Asylums of Oxford and Exeter. Permit me, through you, to assure the Governors and Subscribers of the Warneford Asylum, that in so far as the statement relates to the Medical Officer of that Institution, the belief of the Reviewer is altogether erroneous. Neither by Petition nor by any other means did I take part in procuring the immunity respecting Certificates of admission, of which that Gentleman complains. I at the same time thought, and still think, that the omission of the restrictive Clause was an oversight in framing the Act, and have always acted, in regard to admission of Patients, in strict accordance with the Rule of the Institution.

As a matter of fact, no Patient, of whatever class, has at any time been admitted into the Warneford Asylum, but upon Certificates of Insanity as full, as explicit, and as formal as those required by legislative enactments at Houses of Reception of any kind whatever. It is not needed that I should expose the misapprehension respect-

ing the efficient visitation to which the House has been, by a fundamental Rule of the Institution, subjected from its first opening in the year 1826.

I am, dear Sir,

Yours faithfully,

J. A. OGLE, M.D.

The Chairman then read the confirmation of this Statement by the Resident Director (Physician Licentiate of the College of Physicians) Dr. Wintle, whose able, humane, and assiduous attention to his duties, have often been acknowledged by the Governors.

IN corroboration of Dr. Ogle's statement respecting the admission of Patients, I beg leave to subjoin my signature. In regard to the internal management of the House, and care of the Patients, permit me to refer the Governors and Subscribers to the "Visitors' Minute Book," where will be found most satisfactory testimony of my attention to the charge entrusted to me.

F. T. WINTLE,

Resident Physician and Director.

The Chairman also read the Director's Report of monies remitted to 43 poor Patients from respectable and educated life, during the year commencing Jan. 1, 1844. Ordered that it be entered on the Minutes.

			£.	s.	d.
2	relieved at the rate of	3s per week for a year	15	12	0
1	.	6s	15	12	0
2	.	5s	26	0	0

4	relieved at the rate of	11s	for a year	114	8	0
1	.	2s	.	5	4	0
1	.	7s	for 6 months	9	2	0
1	.	9s	.	11	14	0
1	.	10s	for 5 months	10	0	0
1	.	9s	for 7 months	12	12	0
1	.	9s	for a year	23	8	0
4	.	7s	.	72	16	0
1	.	7s	for 24 weeks	8	8	0
1	.	6s	for 19 weeks	5	14	0
1	.	11s	for 17 weeks	9	7	0
1	.	11s	for 4 weeks	2	4	0
1	.	3s	for 4 weeks	0	12	0
1	.	11s	for 9 weeks	4	19	0
1	.	6s	for 12 weeks	3	12	0
1	.	6s	for 19 weeks	5	14	0
1	.	5s	for 27 weeks	6	15	0
1	.	7s	for 37 weeks	12	19	0
1	.	11s	for 30 weeks	16	10	0
1	.	6s	for 36 weeks	10	16	0
1	.	7s	for 13 weeks	4	11	0
1	.	5s	for 35 weeks	8	15	0
1	.	11s	for 32 weeks	17	12	0
1	.	6s	for 26 weeks	7	16	0
1	.	11s	for 17 weeks	9	7	0
1	.	7s	for 17 weeks	5	19	0
1	.	9s	for 9 weeks	5	8	0
1	.	7s	for 3 weeks	1	1	0
2	.	9s	for 7 weeks	6	6	0
1	.	6s	for 7 weeks	2	2	0
1	.	5s	for 11 weeks	2	15	0
Fees remitted by Committee				174	6	0
				<hr/>		
				£649	16	0
				<hr/>		

Of the 43 who have received relief from the Funds in aid during the year 1844,

Two were Clergymen.

Eight of other Professions.

Sevens sons and daughters of Clergymen.

Four wives and children of Professional men.

Four Farmers, their wives and children.

Ten Tradesmen, their wives and children.

Eight Servants, either domestic or in husbandry, but not chargeable on any Parish.

The Chairman then proceeded to observe, that it was important to enter upon the minutes of the day these Testimonies of Dr. Ogle, the Physician Superintendent, and Dr. Wintle, and his Report. Not, that he thought that the Article in the Review was in itself of sufficient importance to call forth all this array of attestations and arguments, but lest (upon the revival of the discussions of 1828 in the ensuing Session of Parliament) the cause of Charity, and of the Charitable associated for the tutelary care and the medical and moral treatment of poor Lunatics, should suffer in public estimation, by reason of the uncorrected blunders and uncontradicted falsehoods of the Reviewer. It is to be hoped that the quickening spirit, which has brought to life and embodied so many noble Institutions, may not be quenched by ill-usage and bad policy. Parliament should bear in mind, that all the first and earliest provisions made in this country for the care and cure of the Insane,

originated in the free-will offerings of Christian Charity. Slowly at the beginning and after long intervals of time, but afterwards in quicker succession, there sprung up (after Henry the VIIIth's grant of Bethle'm Hospital, which was among the first-fruits of Protestant Charity,) Norwich Hospital, 1713 ; St. Luke's, 1732; York Asylum, 1777; the Asylums at Liverpool and Manchester, each in 1792; the Retreat near York, 1796; the Exeter Asylum, 1801; the new wing of Guy's Hospital, 1801; the Oxford Asylum, 1813. It was thus by Charitable contributions, that Christian benevolence spontaneously provided places of refuge and means of remedy for those who were labouring under morbid affections of mind, whilst an almost universal apathy sat cold and heavy upon Parliament and the people. Indifference to these wants and woes was the prevailing condition of public feeling and opinion; compassion was the exception, and of rare occurrence, being confined to the Individuals who formed these confederacies and entered upon these labours of love. True it is, that in 1808 Mr. Wynne awakened the House of Commons from its slumbers over these calamities of nature, and claims of affliction, but it was not till Christian Charity had taken the lead, and pointed out the way, and had constructed Edifices, and established systems of attendance, and provided sources of Income. Neither Statesmen nor Legislators were the originators of these measures. These modes and methods of assist-

ance were the acts of persons who owned no other law than good-will to man, and no other obligations than the bonds of Christian compassion. And as might have been expected, from the gentleness of such bondage, the Rules and Regulations of the Charitable Asylums bore witness to the spirit which gave rise to them. “ *The Contributors and voluntary Subscribers to these Asylums*, (it is the admission of the Metropolitan Commissioners in their Report of 1844, p. 31.) *were amongst the first promoters of a mild and humane system of treatment of the Insane of all classes.*” Such were the works which Charity accomplished, when left to its native energies and independent exertions. But how did it fare in the mean while with the Pauper Lunatics of Counties? How has it fared with them even after Mr. Wynne’s Act in 1808 had enabled Counties to raise money by mortgaging County Rates, for building County Asylums? It is with no wish to disparage the good names of Counties, (for no one can bear witness to the conduct of the Magistracy as a Body, with a deeper conviction of its humanity, honour, and integrity,) that the Reviewer’s Statement is referred to at page 426, which tells us, “ *that though County Magistrates have been empowered by the Act of 1808 to erect County Asylums wherever they thought fit, only 16 out of 40 Counties in England, and 1 out of 12 in Wales, have been provided with these Establishments.*” It is not necessary to refer to other passages in the Review written in derogation of Visitations and In-

spections by Magistrates. It is unfortunate that the Reviewer should find so many instances of Magistcrial negligence or incompetency recorded in the Commissioners' Report of 1844, which have led him to adopt at p. 435, Mr. Samuel Tuke's opinion, that no system of Visitation by local Magistrates can be depended upon. " I do not hesitate (says Mr. Tuke) to say, that such a system of Visitation is imperfect and unsatisfactory, and I know that it is felt to be so by some who act under it." It may be added, that in accordance with these views, Dr. Burrows, (p. 114 of Evidence before the Lords, 1828,) has suggested the creation of a body of inspectors acting under the Metropolitan Commissioners, and the Commissioners of 1844, (p. 33 of their Report,) *express an opinion that all Asylums should be open to inspection by proper authority.* The foregoing remarks will be closed by the declaration, that the Warneford Asylum is not among those *which claim an entire exemption from Visitation*; (see the Report, p. 33.) on the contrary, it has always opened its gates with satisfaction upon the arrival of those experienced and well-qualified Inspectors who have from time to time been deputed by the Home Secretary, and who have recorded in our Registers their entries of approval.

But to return to those admonitory observations which have been interrupted by citing the Reviewer's opinions as to Visitation and Inspection, and as to the Statements made by the Commissioners, (see their

Report of 1844, pp. 66, 67, 68, 69, 70.) to shew that some other mode of Inspection and Visitation must be adopted than the Magisterial, in order to secure a sound, efficient, and satisfactory exercise of the Visitatorial power.

Let the Legislature then be admonished not to run into the error of supposing, that in providing for the distresses of the Insane every thing must be regulated by Statute Law, and that nothing should be left to the unfettered exercise of philanthropy. Parliament ought to pause before it permits an exuberant love of Law-making to obliterate the recollection of what Charity did for the afflicted, long before 1774, the date of the first Act upon the subject, and before 1808, the date of the second; it should remember, that this heavenly principle, uncontrolled and uncontrollable by human laws, had been actively and successfully at work long before the existence of any Statute had been enacted upon the subject, and long before Parliament had felt any concern about these calamities of our nature, or had taken any one step to mitigate their severity. From the apathy which so long prevailed within those walls, it should seem that Insanity had been to them a forgotten woe, a misfortune left out of their catalogue of human sufferings. It was from what Charity had done, and was extensively doing in the Country, that Legislators began to learn something about their duty in this matter, and they ought to feel grateful to their Instructors

for having taught them the policy, if not the principles, of Charity, the expediency, if not the sacred obligation, of being merciful towards the Lunatic; for such instruction in the policy and prudence of compassion, it would be but a very sorry return to wage war against Charitable Asylums, by subjecting them, without any charge brought, or cause shewn, to pains and penalties, and all the machinery of criminal Law: for Mr. Gordon's Bill, as sent from the Commons to the Lords in 1828, could be viewed (under its relation to those Charitable Associations) in no other light than as a declaration of hostilities against such Associations, and against their Institutions, and their systems of superintendence and management, and their means of support by Annual Subscriptions, and Donations, and Testamentary Almsgiving. It is to be hoped that Parliament next Session, when occupied upon the correction and amendment of what has been found to be defective or inefficient in the present Act, will not revert to any such or similar violations of the principles of sound legislation. Christian Jurisprudence ought to protect and encourage (after the manner of Mr. Wynne's Act in 1808) the free agency of Charity, and those voluntary exertions of the Benevolent which human law did not produce, and which will be sure to be embarrassed by its interference, paralyzed by its dictation, and destroyed by its menaces of Information and Indictment. The lovers of generalization and

sweeping measures will do well to pause before they attempt to reverse the past and existing Policy of the Law in this respect, by placing Charitable Asylums upon the same footing as Licensed Houses. Let them not suppose that now that Pauper Lunatics have been so amply provided for both as to pecuniary Relief, (it may be to the Amount of 14s a week,) and as to building Asylums, the Charitable have nothing more to do; that the provisions of the Acts 9 Geo. IV. ch. 40. and 2 and 3 Gul. IV. ch. 107. have superseded the functions of private Benevolence, and that the Alms of the Charitable ought to find or form new channels for their distribution among other sorts of affliction. Parliament must be admonished against the entertainment of opinions so mischievous and unfounded. Let it not suppose that in making these provisions medical, moral, and pecuniary, Paupers alone ought to be embraced within the purview of its compassion. There are at this time within the circuit of Society in this Country very large and increasing classes of individuals whom the vicissitudes of life have reduced to such scanty means of subsistence, that they may be said to be constantly struggling against what they consider the disgrace of chargeability. Theirs is the poverty which makes men ashamed to beg, which has incapacitated them for work, and which, when coupled with the Insanity of some dependent relative, overwhelms their income and embitters their

life. These are the *poveri vergognosi* so kindly considered and so readily assisted by the Almoners of Italy, persons very poor, but not Paupers; overburthened themselves, but not burthensome to Parishes; who have no claims upon Parish Rates, find no remedy in the Provisions of the Statute, and no relief in the Magistrate's Order. This is the sort of destitution infinitely worse than Pauperism, (for Pauperism conveys to the Lunatic a right to relief, it may be to 14s a week if necessary,) which calls upon Charity for help; the non-chargeable Poor have nothing to look to but what the Civil Law calls the *jus miserabilitatis*, the right of pitiableness. Under these visitations they have no title to care or attendance but that which is recognised by Pity; they have no pecuniary aids, but those which Charity supplies; and often has this Institution in its Annual Reports gratefully acknowledged the goodness of Providence in having prospered its labours in this Wilderness of Affliction, by the instrumentality of Dr. Warneford's untiring Munificence. Let Parliament invite by words of grace and favour other Philanthropists to follow his example, and dedicate their lands and monies, as he has done, to Ministries of Benevolence for the relief, care, and cure of the non-chargeable Poor when visited by Insanity, persons very poor, although belonging to the respectable and educated, the middling and upper classes of Society, and who by reason of their straitened circumstances are without the

means of providing for themselves or dependent relatives the medical and moral treatment which their cases require. It is here amidst these desolations of the unpauperized Poor, that compassion has sought and found many a wide field for its exertions, and many an urgent occasion to call them forth; and this divine principle has already proved its power by the Sums given and the Asylums erected, and the systems of superintendence and management appointed, and by the Tabular Statements of the numbers relieved and cured, from these ranks and conditions of social life. These are the truly pitiable classes, these the cases of complicated penury and wretchedness, which are daily multiplied by the reverses which are continually taking place in the pecuniary condition of individuals and families. It well becomes a Legislature which understands the prudence and policy of compassion, (for it is wished to place this appeal upon the lowest grounds of motivity,) to promote the building of Charitable Asylums for these purposes, not merely by the same, but by a greater amount of encouragement than that set forth in Mr. Wynne's Act, 48 Geo. III. c. 96. §. 22. because there is a greater want of them now than in 1808. Commendation and encouragement are no new things in the history of Parliamentary enactments. They form the preambles of many a Statute, and form some of the most honourable features and brightest ornaments of

our code. Thus in the preamble of the original *Act for encouraging Friendly Societies*. “ *Whereas the protection and encouragement of Friendly Societies is likely to be attended with very beneficial effects, by promoting the happiness of individuals, and at the same time diminishing the public burthens, &c.*” (33 Geo. III. c. 54. A. D. 1793.) Again; “ *Whereas several benevolent charitable institutions and societies are formed in this kingdom for relieving widows and orphans, in order to give stability to such institutions, &c.*” (35 Geo. III. c. 111. A. D. 1795.) And again; “ *Whereas certain provident institutions have been established for the safe custody and increase of Savings, and it is expedient to give protection to such institutions, and to afford encouragement to others to form the like institutions, &c.*” (57 Geo. III. c. 130. A. D. 1817.) Without referring to the Act (54 Geo. III. c. 12. A. D. 1814.) for the *encouragement of fever hospitals in Ireland*, and to a great many private Acts of encouragement and protection given to other humane and charitable institutions, enough has been said to shew the general policy and practice of Parliament in such cases: so that it may be expected from the universality of this sort of Parliamentary goodwill towards benevolent institutions, that those which are intended for the protection and comfort, relief and cure, of the non-chargeable Poor labouring under mental diseases, (the severest and most burthensome of human afflictions,) will

not be omitted or excluded from their patronage. All we pray for is to be left as we have ever been, free from penal liabilities, in other words, free from the suspicion and distrust of the Legislature. Every Statutory regulation as to Medical Certificate, and Order of Confinement, and the registration of the visits of the Superintending Physician, and Annual Returns of Patients' names and cases according to Schedule, and as to Visitation and Inspection, as often as ordered by the Secretary of State, has been adopted and acted upon from the year 1828. As to Visitation and Inspection, they are highly approved of, provided they be not Magisterial, nor exercised by virtue of powers vested in residents of the place or county, for it would be absurd to suppose that any such are as competent to perform these duties, as the standing Committee of Management, with the superintending Physician, and resident Director, Dr. Wintle. But notwithstanding the weekly Meetings of the Committee, and the long experience and integrity both of Physician Superintendent and Resident Director, it never has been, and never will be, felt as derogation or disparagement, if, as at present, the Warneford Asylum be subject at any time, and at all times, to the unforeseen Visitations and Inspections of able and experienced Gentlemen from the Metropolitan Board, deputed by the Home Secretary. As to detaining Patients longer than necessary, let Parliament be satisfied with the truth of

Dr. Heberden's Declaration in 1828; "It is the interest of Hospitals to get rid of their Patients as soon as they can, whereas in private Establishments it is the interest of people to keep them as long as they can." See Minutes before the Lords, p. 66.

The Chairman having concluded his Observations, it was moved by the Mayor of Oxford, seconded by Charles Tawney, Esq. and unanimously Resolved,

That the Chairman's Observations be printed, and sent to the Governors and Subscribers of this Institution. And that as soon as notice shall be given in Parliament to bring in a new Bill *for regulating the care and treatment of the Insane*, copies be circulated among Members of the Lords and Commons.

